

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CHRISTOPHER LACCINOLE  
*Plaintiff*

Vs.

CA. NO.: 1:21-cv-00045-MSM-PAS

Navient Solutions, LLC,  
&  
John M. Kane,  
&  
DOES 1-10, inclusive  
*Defendants*

JURY TRIAL REQUESTED

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Pursuant to FRCP 15(a)(2), Plaintiff Christopher Laccinole moves for leave to amend his Complaint in the interest of justice. Following the Supreme Court's decision in *Facebook v. Duguid* (Case 19-511; April 1, 2021 opinion), the Court held that an automated telephone dialing system "must have the capacity either to store a telephone number using a random or sequential number generator, or to produce a telephone number using a random or sequential number generator." Plaintiff's First Amended Complaint before this Court does not reference the random or sequential generator. However, in light of the fact that the Supreme Court explicitly requires such an allegation, Plaintiff moves to amend his complaint to add detail to his allegations that Defendants' automated telephone dialing system has such capacity. As Plaintiff's proposed Second Amended Complaint avers in Paragraphs 82-92, Defendants use a sophisticated platform with a random and sequential generator to place calls to Plaintiff.

Wherefore, Plaintiff asks that the Court grant his motion for leave to amend the complaint.

The Plaintiff,  
Christopher Laccinole, *pro se*

/s/ Christopher M. Laccinole  
Christopher M. Laccinole  
23 Othmar St.  
Narragansett, RI 02882  
chrislaccinole@gmail.com

**CERTIFICATE OF SERVICE**

The Plaintiff certifies that on April 17, 2021, he mailed a copy of the foregoing motion, proposed second amended complaint, and exhibits via certified mail, return receipt requested to Defense Counsel for Defendants:

Joseph Galindo  
Cameron & Mittleman LLP  
301 Promenade Street  
Providence, RI 02908

The Plaintiff,  
Christopher Laccinole, *pro se*

/s/ Christopher M. Laccinole  
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